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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,839	12/18/2006	Theodor Doll	3222.1430000	8784

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WASHINGTON, DC 20005

EXAMINER

SUCH, MATTHEW W

ART UNIT	PAPER NUMBER
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2891

MAIL DATE	DELIVERY MODE
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09/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/570,839	Applicant(s) DOLL ET AL.	
	Examiner MATTHEW W. SUCH	Art Unit 2891	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,13 and 19-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,13 and 26 is/are allowed.
- 6) ☒ Claim(s) 19-25 and 27-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>22 June 2010</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 June 2010 has been entered.

Information Disclosure Statement

2. The information disclosure statement filed 22 June 2010 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Specifically, the reference of DE 19819200 A1 is missing such statements. It has been placed in the application file, but the information referred to therein has not been considered.

Double Patenting

3. Claim 36 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 34. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim

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to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

4. Claim 37 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 35. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 19-25 and 27-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 19 recites "a third electrode...is positioned entirely within the separation between the first and second electrodes" in Lines 10-11 and claim 23 recites "a third electrode...is positioned entirely between the first and second electrodes", neither of which is not taught or supported by the originally filed disclosure since the third electrode is offset from the

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first and second electrodes (as shown in the Figures). Furthermore, the disclosure merely shows a cross section of the device which fails to provide any information about what is occurring out of the plane of the particular cross-section shown in the Figures. Additionally, the formation steps (such as the hole formation) set forth in the specification also fail to limit that the a third electrode is positioned entirely between or entirely within the separation between the first and second electrodes because no information is provided about what is occurring out of the plane of the particular cross-section shown in the Figures. The details about the hole formation also does not provide enough information about the outcome to support the claimed limitation (for example, is the hole formed at?). Claims 20-22, 24-25 and 27-28 based on their dependency on claims 19 and 23, respectively.

7. Claims 29-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 29 and 38 each recite "a third electrode...positioned entirely between the first and second electrodes" in Lines 6-7, which is not taught or supported by the originally filed disclosure since the third electrode is offset from the first and second electrodes (as shown in the Figures). Furthermore, the disclosure merely shows a cross section of the device which fails to provide any information about what is occurring out of the plane of the particular cross-section shown in the Figures. Additionally, the formation steps (such as the underside photolithography) set forth in the specification also fail to limit that the a third electrode is positioned entirely

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between the first and second electrodes because no information is provided about what is occurring out of the plane of the particular cross-section shown in the Figures. The details about the underside photolithography also does not provide enough information about the outcome to support the claimed limitation (for example, what angle is the light coming through the underside at?). Claims 30-37 and 39-40 based on their dependency on claims 29 and 38, respectively.

Allowable Subject Matter

8. Claims 2, 13 and 26 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: A search of the prior art does not disclose or reasonably suggest a method for producing, on a substrate, an electronic component with closely adjacent electrodes, the method comprising: depositing a first metal layer onto the substrate; structuring a first photo lacquer on a surface of the first metal layer, wherein a portion of the surface of the first metal layer does not have the first photo lacquer thereon; etching the portion of the surface of the first metal layer not having the first photo lacquer; undercut etching the first metal layer so that an overhang is defined by the first photo lacquer; exposing, to a metal vapor, a surface of the first photo lacquer and an exposed portion of the substrate where the first metal layer was etched away so that a second metal layer is formed on the surface of the first photo lacquer and the exposed portion of the substrate where the first metal layer was etched away except in a space between the overhang and the substrate; and removing both the first photo lacquer and the second metal layer formed on the surface of the first photo lacquer; etching a hole into the substrate at a position other than

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a position of the first metal layer and the second metal layer; depositing a third metal layer onto the substrate, the first metal layer, and the second metal layer; applying an insulator onto the third metal layer; applying an organic semiconductor onto the third metal layer and the insulator; and applying a sealing layer onto the organic semiconductor.

Response to Arguments

10. Applicant's arguments with respect to claims 19-25 and 27-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kuijk ('357), Klauk ('426), Choi ('992), Parker ('159) and Garnier (Science, Vol. 265 and Appl. Phys. Lett., Vol. 73) each teach thin film transistor configurations.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW W. SUCH whose telephone number is (571)272-8895. The examiner can normally be reached on Monday - Friday 9AM-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kiesha Bryant can be reached on (571) 272-1844. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew W. Such/
Primary Examiner, Art Unit 2891